

AMENDMENT

In the Claims:

Please cancel claims 1-6, 12, 14-15 and 17-18, without prejudice. Please amend the claims and add new claims 19-21 as follows:

1-6 (Cancelled)

7. (Original) A transgenic fish comprising a chimeric gene comprising the promoter of claim 1, 2, 3 or 4.

8. (Original) The transgenic fish of claim 7, which contains said promoter in germ cells and/or in somatic cells and which is capable of breeding with either a said transgenic fish or a non-transgenic fish to produce viable and fertile transgenic progeny.

9. (Currently Amended) The transgenic fish of claim 7, wherein said fish and progeny of said fish ~~that emits~~ emit green fluorescence when the whole fish is exposed to a blue or ultraviolet light.

10. (Original) A transgenic fish comprising a DNA that encodes a fluorescent protein under control of a promoter that causes said DNA (1) to be expressed in predominately skin epithelia, (2) to be specifically expressed in muscles, (3) to be predominantly expressed in skeletal muscles, or (4) to be expressed ubiquitously in all tissues.

11. (Original) The transgenic fish of claim 8, wherein said fluorescent protein is expressed a level sufficient that said fish fluoresces upon exposure to sunlight.

12. (Cancelled)

13. (Original) The transgenic fish of claim 10, wherein said promoter is a promoter which naturally occurs in the genome of a fish of the same species as the transgenic fish.

14.-15. (Cancelled)

16. (Original) A transgenic fish comprising a chimeric gene in turn comprising a promoter DNA that hybridizes under stringent conditions to a polynucleotide of any one of SEQ ID NOS:7, 8, 9, or 22, operatively linked to a structural gene encoding a fluorescent or a chemiluminescent protein.

17.-18 (Cancelled)

19. (New) The transgenic fish of claim 10, further defined as an ornamental fish for the ornamental fish market, which contains said promoter in germ cells and/or in somatic cells and which is capable of breeding with either a said transgenic fish or a non-transgenic fish to produce viable and fertile transgenic progeny.

20. (New) The transgenic fish of claim 10, wherein said fish and progeny of said fish emits green fluorescence when the whole fish is exposed to a blue or ultraviolet light.

21. (New) The transgenic fish of claim 10, wherein said fluorescent protein is expressed a level sufficient that said fish fluoresces upon exposure to sunlight.